

October 17, 2005

To all interested parties:

On October 17th, the Working Group on Pacific Crossing Submarine Cables Environmental Assessment met via telephone conference call and adopted the recommendations below for consideration by the Olympic Coast National Marine Sanctuary Advisory Council as comments on the Pacific Crossing Submarine Cables Draft Environmental Assessment (DEA).

The Working Group also met via conference call on October 4th and October 13th. Members of the Working Group are listed as follows with affiliations in parentheses for information purposes only:

Fan Tsao (Marine Conservation Biology Institute)*
Doug Fricke (Washington fisherman)*
Martha Hurd (Washington Dept. of Natural Resources)*
Scott McMullen (Oregon Fishermen's Cable Committee)
Bob Bohlman (Marine Exchange of Puget Sound)*
Geoff Grillo (Washington fisherman)*
Al Hightower (Washington fisherman)
Marion Larkin (Washington fisherman)
Rich Littleton (Olympic Coast Alliance)
Peter Leipzig (Fishermen's Marketing Association)

*Members or alternates on the OCNMS advisory council.

OCNMS Staff resource persons:

Liam Antrim
Carol Bernthal
Mary Sue Brancato
Andy Palmer
Steve Intelman
Carey Floyd

U.S Army Corps of Engineers (Cooperating agency on the DEA)
Anna Dudeck,

Comment on the Pacific Crossing Submarine Cables Draft Environmental Assessment

By: Working Group on Pacific Crossing Submarine Cables Draft Environmental Assessment (DEA)

To: Olympic Coast National Marine Sanctuary Advisory Council

Date: October 17, 2005

A Working Group comprised of Fan Tsao, Doug Fricke, Bob Bohlman, Martha Hurd, Pete Leipzig, Scott McMullen, Marion Larkin, Al Hightower, and Rich Littleton, convened by telephone conference calls on October 4, 13, and 17th with sanctuary staff to review, discuss, and comment on the Draft Environmental Assessment for Analysis of Remediation Alternatives for the Pacific Crossing-1 North and East Submarine Fiber Optic Cables in the Olympic Coast National Marine Sanctuary. The following compromises their recommendations for consideration by the full Olympic Coast National Marine Sanctuary Advisory Council on October 19, 2005.

1. Further clarification in the description of remediation actions in NOAA's and the Army Corp of Engineers (ACOE) Preferred/Proposed Alternative 6 "Complete Recovery and Reinstallation with Cable Burial within OCNMS"

The Working Group suggests that the DEA explicitly state the following elements as part of the remediation protocol mentioned in the DEA Section 7.6.

1.1 Surveys, selection of modified route, and selection of bight locations

In problem areas (as described in Section 7.5), the substrate surveys, the selection of modified route (where necessary), and the selection of the cable bight locations should involve independent scientists/engineers, NOAA staff, fishing representatives and the cable installer. The modified route should be as close to the existing route as possible to prevent further disturbance to the seafloor habitat. It is critical for fishermen to contribute local knowledge of the substrates in this process.

1.2 Recovery and reinstallation

- 1.2.1 The recovery and reinstallation of the cables should be observed by independent scientists/engineers, NOAA staff, tribal, and fishing representatives.
- 1.2.2 The recovery and reinstallation should occur in the summer for optimal oceanographic condition.
- 1.2.3 Because full burial of the cables may be difficult despite the best available substrate information gathered prior to the reinstallation, the permit should require a set number of attempts of burial before considering leaving the cables shallowly covered or uncovered.
- 1.2.4 The permit should require a periodic performance review of the recovery and installation work.

- 1.2.5 A member of the Working Group suggests that the permit should require financial penalties for further disturbance of the seabed, and for damage to fishing gear and personnel.

1.3 Communication between Cable Owner and Stakeholders

- 1.3.1 To facilitate communication between the fishing industry and the cable owner, a joint committee could be formed to address: 1) response to potentially hung-up fishing gear on the cables, 2) compensation for sacrificed gear claims; and 3) information sharing (e.g. location of any unburied or shallow cable burial locations after remediation).
- 1.3.2 The cable owner should be required to produce an annual report on the cable condition and operation, and the report should be available to the public.

2. Additional alternative to consider in the DEA

The Working Group suggests that the DEA include a new alternative to recover the existing PC-1 cable within the OCNMS and rebury the cable while minimizing the distance within the OCNMS. By lessening the in-Sanctuary impact in the short term (shorter route) and in the long term (less continuing impact in the Sanctuary from cable repairs and snags), this alternative seeks to minimize environmental impacts within the sanctuary, appears feasible for consideration, and merits assessment in the DEA. In evaluating this alternative, NOAA and the ACOE should use the best available data on the seafloor substrates and graphically present the data in a figure more detailed than those in the DEA.

3. Additional criterion to consider in the DEA

Some members of the Working Group suggest adding Costs of Remediation as a decision criterion (Section 8.3) in the DEA. They feel that “there should be a balance between the cost of the remedial action and the benefit. If the ‘ideal’ fix is too expensive, the cable company may not be able to come out of bankruptcy, and everyone loses. The sanctuary could be left with an abandoned cable and no funds for remediation. If this becomes the case, the fishing industry is left without anyone to address gear issues, habitat issues are not resolved, treaty obligations to the tribes are not dealt with, and a valuable asset is wasted as investors lose their entire investment. It would be better to get a ‘good’ repair that is affordable and achievable than to require an exceptional fix that will never be achieved due to the cost.”

Other members of the Working Group point out that “financial considerations related to the cable owners should not be a decision criterion for two reasons: 1) Consideration of costs is outside the scope of an environmental assessment, and 2) The likelihood of the cable owner abandoning the cable is difficult to assess. It is for NOAA to make those political, administrative, financial assessments, because NOAA has access to the needed financial and global industry information. It is the role of the Working Group to examine the environmental impacts. To put the cable owner’s financial situation at a higher priority than sanctuary resources is to nullify the purpose of the environmental assessment.”